

teachers of Wooldridge School of Austin.

S. R. No. 212—By Senators Schwartz, Colson, Krueger and Cole: Extending welcome to Senior Class, teachers and sponsors of Katy High School.

S. R. No. 213—By Senator Watson: Extending welcome to students of journalism class of Baylor University and teachers, Dave Cheavens and David McHam.

S. R. No. 214—By Senator Spears: Extending welcome to a group of foreign students and teacher of Trinity University of San Antonio.

S. R. No. 215—By Senator Watson: Extending welcome to students and teacher of Axtell High School.

S. R. No. 216—By Senators Aikin and Hardeman: Extending welcome to the Honorable Carson Gilmer and Mrs. Gilmer of Rock Springs.

S. R. No. 217—By Senator Hall: Extending welcome to S. L. Todd, et al.

Memorial Resolutions

S. R. No. 207—By Senator Spears: Memorial resolution for Nat Goldsmith.

S. R. No. 208—By Senator Watson: Memorial resolution for Bernard C. (Pete) Latham.

Adjournment

On motion of Senator Moffett the Senate at 11:57 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

THIRTY-FIFTH DAY

(Thursday, March 7, 1963)

The Senate met at 11:00 a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hall
Blanchard	Hardeman
Calhoun	Harrington
Cole	Hazlewood
Colson	Herring
Creighton	Kazen
Crump	Kennard
Dies	Krueger

Moffett	Richter
Moore	Rogers
Owen	Schwartz
Parkhouse	Spears
Patman	Strong
Ratliff	Watson
Reagan	Word

Absent—Excused

Bates

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Bates was granted leave of absence for today on account of important business on motion of Senator Cole.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 7, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 107, A bill to be entitled "An Act amending Article 680 of the Code of Criminal Procedure of Texas, 1925, to provide for alternate jurors in felony cases and for procedure in felony cases when a juror becomes unable or disqualified to continue; and declaring an emergency."

H. B. No. 207, A bill to be entitled "An Act amending Acts 1923, 38th Legislature, 2nd Called Session, Chapter 47, page 101, codified as Article 1440, Vernon's Annotated Civil Statutes, and also codified as Article 1054, Vernon's Annotated Penal Code."

H. B. No. 236, A bill to be entitled "An Act amending Section 2 of Chapter 297, Acts of the 52nd Legislature, Regular Session, 1951, as amended, relating to commercial fishing in certain counties to prohibit fishing commercially in the Angelina River of Nacogdoches County; and declaring an emergency."

H. B. No. 262, A bill to be entitled "An Act creating the County Civil Court at Law of Bexar County, Texas; providing for the organization thereof and practice therein; fixing the jurisdiction thereof and re-enacting the jurisdiction of the County Court of Bexar County; providing for the filing of civil actions, proceedings and matters in said court, including but not limited to matters in Eminent Domain and Mental Health Matters; that all such cases shall have preference and priority over all other civil matters; providing that such court shall have no jurisdiction over any criminal action, proceeding or matter, as now vested in county courts or in county courts at law, either original or appellate; fixing the terms of said court; providing for the election of a judge of said court and prescribing his qualifications and salary or compensation to be paid to such judge and the manner of payment; providing for the appointment of a judge of said court by the County Judge of Bexar County upon the effective date of this Act and confirmation of such appointment by a majority of the county commissioners; providing for the filling of vacancies therein in like manner; providing for absence, disqualification or incapacity of such judge that county judge or judge of any county court at law of Bexar County may sit and act, in own courtroom or in courtroom of such court; providing for election or appointment of a special judge in case of absence, disqualification, incapacity or other reason of judge of said court under General Laws of Texas; providing for exchange of benches of judge of said court and county judge of Bexar County; providing for appeals and writs of error; providing for court reporter to serve said court and prescribing qualifications and salary; judge of said court may also act for county judge upon certification by latter in any probate matter or proceeding and to perform all other ministerial duties for county judge, and give preference and priority to all such matters; county clerk to be clerk of said said court and may appoint deputy for same, to require bond and such deputy must be acceptable to judge of said court, to fix salary and fund out of which payable; sheriff may appoint deputy for said court, same to be ac-

ceptable to judge of said court; prescribing duties, judge to fix salary and fund out of which salary payable; providing seal for said court; repealing all laws and parts of laws in conflict; providing a saving clause; and declaring an emergency."

H. B. No. 271, A bill to be entitled "An Act creating a special court for Taylor County, Texas, to be known as the Taylor County Court of Domestic Relations, fixing its jurisdiction; conforming the jurisdiction of other courts thereto; providing the qualifications, and the manner of selection, tenure, and compensation of the Judge; providing for a Sheriff and District Clerk and County Attorney or District Attorney to serve such Court; providing grounds for removal of the Judge; providing the procedure therein; providing for investigation and evidence in child custody matters; fixing the terms of such Court; providing for appeals; providing for a seal and a Court Reporter, secretary, and investigator, Court Interpreter; repealing all laws in conflict; containing a saving clause; and declaring an emergency."

H. B. No. 274, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Butterfield Water Control and Improvement District, located in El Paso County, Texas; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; defining powers of District; conferring on District the rights, powers, privileges, authority and duties of the General Laws of Texas applicable to water control and improvement district created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation and no hearing for exclusions and no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; authorizing District certain rights, powers and authority for and in connection with its systems, facilities and other things necessary to the fulfillment of its purposes whether within or without the boundaries of the District, and related matters, providing for governing body of District; providing for qual-

ifications and bonds of Directors; naming first Board of Directors; providing for terms and election of Directors and provisions for failing to call Director elections and related matters; providing Directors to fill vacancies; providing for organization of Board of Directors; providing for employment of engineers; attorneys, and other employees; providing for sale and price of bonds and refunding bonds; providing for exchange of bonds or refunding bonds for property acquired or in payment of contract price for work done or materials or services furnished and providing for price of bonds or refunding bonds in such exchange; providing for bonds and refunding bonds to be approved by Attorney General of Texas and registered by the Comptroller of Public Accounts and providing for negotiability, legality, validity, obligation, incontestability of the bonds and refunding bonds; making bonds and refunding bonds eligible investments; making inapplicable certain provisions of Article 7880-77b, Vernon's Texas Civil Statutes, as amended, to the District; exempting property and bonds of District from taxation and related matters; providing District shall bear expense of relocating, raising or re-routing of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; finding the District created essential to the purposes of Section 59, Article 16, Texas Constitution; finding a benefit to all land and other property within the District; declaring District a body politic and corporate of equal dignity with any municipal corporation; enacting other provisions related to the afore-mentioned subjects; providing for severability clause; and declaring an emergency."

H. B. No. 286, A bill to be entitled "An Act fixing the maximum salary for the County Road Engineer in certain counties; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 290, A bill to be entitled "An Act fixing the salaries to be paid certain officials, appointed officials and employees in certain counties; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 295, A bill to be entitled

"An Act authorizing creation of a county-wide hospital district in Stonewall County, to be known as the Stonewall County Hospital District; providing for an election in Stonewall County to create a countywide hospital district; providing for the levy of a tax for the district for the purpose of maintaining and operating the district, paying indebtedness assumed by such district and bonds issued by the district; providing for the issuance of bonds by the district for the purpose of the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same for hospital purposes and for any and all such purposes and for refunding bonds and prescribing limitations on such power; providing bonds issued or assumed by a district shall be lawful investments and collateral for certain funds; providing for the transfer of title to any land, building, or equipment of any hospital or hospital system already owned or operated by the county, or by the county and a city that jointly operates a hospital or hospital system, or by a city with such district that operates a hospital or hospital system; providing for the assumption of any bonds outstanding that may have been issued by the county or a city within such district for hospital purposes; providing for the selection of a governing body of such hospital district and tenure of office and powers and duties of such governing body in carrying out the provisions of the Act; prescribing a procedure for the adoption of a budget, the selection of a depository and the power of eminent domain which power is conferred upon the district; prescribing a fiscal year; withdrawing authority for the sale of bonds for hospital purposes by a city located within the district established or the county; prohibiting the levy of taxes by a city for hospital purposes and restricting the powers of Stonewall County where a district is established to levy taxes for the care of indigents under certain circumstances; providing severability; and declaring an emergency."

H. B. No. 300, A bill to be entitled "An Act providing a penalty for the operation of certain aircraft while intoxicated or under the influence of intoxicating liquor; and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 320 by non-record vote.

H. B. No. 267, A bill to be entitled "An Act to provide for the stopping and inspecting of all shipments of livestock or livestock products transported into or through the State of Texas; providing penalties for violations; and declaring an emergency."

S. B. No. 6, A bill to be entitled "An Act relating to the creation of Padre Island National Seashore, and declaring an emergency."
(With amendment.)

S. B. No. 17, A bill to be entitled "An Act relating to the establishment, operation and maintenance of a public fishing pier from the old causeway across Copano Bay in Aransas County; and declaring an emergency."
(With amendment.)

H. B. No. 99, A bill to be entitled "An Act relating to Real Estate Brokers and Salesmen; amending the Real Estate License Act, House Bill No. 17, Acts of the 46th Legislature, 1939, as amended (codified as Article 6573a, Vernon's Texas Civil Statutes); amending the Penal Code of the State of Texas by adding thereto a provision making it unlawful for any person to violate the provisions of the Texas Real Estate License Act or any order, permit, decision, demand or requirement of the Texas Real Estate Commission authorized by the Real Estate License Act, and providing penalty for such violation; providing for a repealing clause; providing for a severability clause; and declaring an emergency."

H. B. No. 318, A bill to be entitled "An Act fixing a maximum salary for court reporters in judicial districts composed of two counties, one of which has a population of not less than one hundred and fifty thousand (150,000) and not more than two hundred thousand (200,000) and either of which borders on the Republic of Mexico; providing for apportionment of payment of salaries between counties on the basis of population; and declaring an emergency."

H. B. No. 358, A bill to be entitled "An Act amending Acts of 1951, 52nd Legislature, Regular Session, Chapter 491, page 1065, as amended, codified as Article 21.09 of the In-

surance Code of Texas, Vernon's Texas Civil Statutes, relating countersigning of policies by local recording agents and exceptions therefrom, to exempt bid bonds issued in connection with any public or private contract; repealing all laws or parts of laws in conflict; providing for a severability clause; and declaring an emergency."

S. C. R. No. 27, Commending the American Legion for choosing Dallas for its National Convention of 1964.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 220

Senator Hardeman offered the following resolution:

Whereas, We are honored to have as a visitor in the Senate the Honorable Kai Valter Korte, of Finland's Ministry of Justice, who is also Secretary of the Constitutional Committee of the Finnish Parliament and a prominent member of the Finnish Bar; and

Whereas, This distinguished guest has come to Texas and our Capitol as part of a tour of several state capitals in the United States, under the Finnish Specialist Program of the State Department, and we are particularly proud to have Mr. Korte's interest in Texas' judicial system, election procedures and laws, in our cooperative legislation between states, and in our legislative processes, and we are highly gratified to have this opportunity to learn from him more of these facets of Finland's government; Now, therefor, be it

Resolved, That the Honorable Kai Valter Korte be extended the official welcome of the Senate, that Mr. Korte and his host for this visit to our State Capitol, the Honorable Crawford C. Martin, Texas' Secretary of State, be accorded privileges of the floor for this occasion, that Mr. Korte be invited to address the Senate, and that we convey to him our best wishes for a most enjoyable and fruitful visit to our state and nation.

The resolution was read and was adopted.

The President appointed Senator Hardeman to escort former Senator Martin, now Secretary of State and the distinguished guest to the President's Rostrum.

The President presented Senator Hardeman and he presented the Secretary of State to the Senate to introduce the distinguished guest to the Senate.

The Secretary of State, former Senator Martin, gave a brief explanation of the workings of the Government of Finland and then presented the Honorable Kai Valter Korte to the Senate.

Mr. Korte addressed the Senate and expressed his pleasure for the opportunity to speak in this great country and especially to visit in the State of Texas with its unusual history which has been a Republic and has a special feeling of independence. Mr. Korte then extended warm greetings to the people of Texas from Finland and its people who love and prize freedom more than anything else they possess.

Resolutions Signed

The President signed in the presence of the Senate after the captain had been read, the following enrolled resolutions:

S. C. R. No. 16, Providing committee to select a Poet Laureate and alternate Poet Laureate for State.

H. C. R. No. 35—Inviting the Honorable John Connally, Governor of Texas, to address a Joint Session, of the House and Senate of the Fifty-Eighth Legislature of the State of Texas.

Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas,
March 7, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We your Committee on State Affairs to which was referred S. C. R. No. 24, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
March 7, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State Affairs, to which was referred S. C. R. No. 23, have had the same under

consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Reagan submitted the following reports:

Austin, Texas,
March 7, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Banking, to whom was referred S. B. No. 15, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

REAGAN, Chairman.

C. S. S. B. No. 15 was read the first time.

Austin, Texas,
March 7, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Banking, to whom was referred S. B. No. 110, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass and be not printed.

REAGAN, Chairman.

Senator Owen submitted the following report:

Austin, Texas,
March 7, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Oil and Gas, to whom was referred S. B. No. 300, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Senator Crump submitted the following reports:

Austin, Texas,
March 5, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Education, to whom was referred S. B. No. 169, have had the same under consideration, and we are instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

CRUMP, Chairman.

Austin, Texas,
March 5, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Education, to whom was referred S. B. No. 310, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

Austin, Texas,
March 5, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Education, to whom was referred S. B. No. 339, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

Austin, Texas,
March 5, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Education, to whom was referred H. B. No. 9, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

CRUMP, Chairman.

Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time and referred to the committee indicated:

By Senator Moore:

S. B. No. 369, A bill to be entitled "An Act to require the filing of records containing certain information by those who conduct public opinion polls regarding candidates or prospective candidates for political office, when the results of such polls are published; providing penalties for violations; setting venue for prosecutions; providing a cause of action for any person if a polling organization maliciously publishes or submits for publication any erroneous

statement or set of figures with the intent to diminish such person's chances or expectations for election to political office; providing for severability; providing a saving clause; repealing all laws in conflict; and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Blanchard:

S. B. No. 370, A bill to be entitled "An Act amending Section 1, Chapter 175, Acts of the 50th Legislature, Regular Session, 1947, (compiled as Article 2632c of Vernon's Texas Civil Statutes) to permit Texas Technological College to increase the acreage not to exceed five and one-half (5.5) acres of land that may be leased to the United States for an armory and the term of the lease not to exceed a period of ninety-nine (99) years; and declaring an emergency."

To the Committee on State Affairs.

By Senator Blanchard:

S. B. No. 371, A bill to be entitled "An Act amending Section 1, Acts of the 46th Legislature, Regular Session, 1939, as amended (codified as paragraph 1 of Article 5949, Vernon's Texas Civil Statutes), and Section 1 of Chapter 309, Acts of the 48th Legislature, Regular Session, 1943, as amended (codified as paragraph 3 of Article 5949, Vernon's Texas Civil Statutes), providing for appointments of Notaries Public for terms of four (4) years; providing for qualification upon notice from the County Clerk; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Parkhouse and Cole:

S. B. No. 372, A bill to be entitled "An Act providing for the creation of parking station authorities in counties having a population in excess of 900,000 according to the most recent federal census; providing that such authorities shall not have taxing power; providing for governing bodies of such authorities; providing that an authority may construct, enlarge, furnish and equip, and maintain and operate a parking station in the vicinity of the courthouse; authorizing the issuance of revenue bonds for such purposes; prescribing the procedure for the issuance of such bonds and the method of paying and securing the payment thereof; authorizing the issuance of refunding bonds;

making provision for selection of depositories; conferring the power of eminent domain; providing that such authority may make a lease of its property or may make a contract for the operation thereof; enacting other provisions relating to the subject; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senators Colson and Schwartz:

S. B. No. 373, A bill to be entitled "An Act creating a Criminal District Court in Liberty and Chambers Counties, Texas, to be known as the Criminal District Court of Chambers-Liberty Counties; providing the jurisdiction and terms of said court; providing the seal of said court; providing for the rules governing the practice and pleadings in said court; providing for the impaneling of grand and petit jurors; providing that all rules of criminal procedure shall apply to said court; providing for the appointment and election of the Judge of said Court and providing for his compensation; providing for the extension of the term of said court under certain circumstances; providing for the officers of said court; prescribing the powers of said court, prescribing the method of appeal from said court; prescribing the jurisdiction of said court and of the 75th Judicial District Court and providing that the Judge of the 75th Judicial District Court may enter certain orders for said Criminal District Court; providing that the Judge of said court may exchange benches with any district judge and may try civil cases assigned to him by the 75th Judicial District Court; prescribing the qualifications, duties, appointment and compensation of the official court reporter of said court; providing that the District Attorney of said 75th Judicial District shall be the District Attorney of the Criminal District Court; providing for the assignment of cases to said court; providing for the appointment of County Auditors; providing a severability clause; and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

By Senator Moffett:

S. B. No. 374, A bill to be entitled "An Act to amend Article 148, Penal Code of Texas, 1925, protecting the flag, standard, color or ensign of the

United States of America, the State of Texas or the Confederate States of America; prohibiting the exhibition or display of such flags for advertising purposes by placing words, figures, marks, pictures, designs or drawings or any form of advertising upon such flags; prohibiting the improper display of such flags for advertising purposes or their use upon the merchandise for such purposes; prohibiting the desecration, mutilation, defacement of such flags; making such offense a misdemeanor and providing a penalty therefor; providing such definitions; and declaring an emergency."

To the Committee on Military and Veterans Affairs.

By Senators Moffett, Schwartz and Krueger:

S. B. No. 375, A bill to be entitled "An Act amending the Veterans' Land Board-Veterans Land Fund Act, being Chapter 318, Acts of the Fifty-first Legislature, Regular Session, 1949, as amended, providing for the issuance and sale of Veterans' Land Bonds; providing for certain moneys and lands to comprise the Veterans' Land Fund; providing for the repayment of the principal and interest due on Veterans' Land Bonds. investments of the moneys of Veterans' Land Fund, certain uses of the moneys of the Fund, for the negotiability of Veterans' Land Bonds, declaring Veterans' Land Bonds to be legal investments under certain circumstances, for the purchase of Veterans' Land Bonds on the open market and cancellation of the indebtedness represented thereby; providing for certain expenses to be paid out of certain moneys of the Veterans' Land Fund; providing for the purchase of lands with certain moneys of the Veterans' Land Fund; providing for the purchase, subdivision and sale or resale of lands by the Veterans' Land Board and the payment of certain expenses out of certain moneys of the Veterans' Land Fund; providing for the purchase and sale of land selected by veterans; providing generally for the sale of land acquired by the Veterans' Land Board, for the transfer, sale or conveyance of land by veterans and their heirs or assigns, for leases by veterans and their heirs or assigns, for the prohibition of certain transactions by veterans and their heirs or assigns and

exceptions thereto, and for the issuance of deeds by the Chairman of the Veterans' Land Board and the effect thereof; providing a saving and severability clause; making the Act cumulative; and declaring an emergency."

To the Committee on Military and Veterans Affairs.

By Senator Cole:

S. B. No. 376, A bill to be entitled "An Act requiring payment of an additional license fee of One Dollar (\$1) per vehicle for registration of any motor vehicle, trailer or semi-trailer, with certain exemptions; stipulating that all revenues collected under this Act shall be remitted by county tax collectors to the State Treasury, where they shall be deposited in the State Parks Fund; providing that revenues collected under this Act shall be used for the sole purpose of purchasing, constructing, maintaining and administering state parks and monuments; providing an effective date; and declaring an emergency."

To the Committee on State Affairs.

By Senator Watson:

S. B. No. 377, A bill to be entitled "An Act to make requirements for foreign fire insurance companies doing business in this State the same as for domestic fire insurance companies with respect to deposits by repealing Articles 6.09 and 6.10 of the Texas Insurance Code, as amended, Acts 1951, 52nd Legislature, Chapter 491, page 951 and repealing Articles 599 and 600 of Vernon's Texas Penal Code of 1925; and declaring an emergency."

To the Committee on Insurance.

By Senator Ratliff:

S. B. No. 378, A bill to be entitled "An Act amending Sec. 23 of Chap. 66, Acts of the Regular Session of the Fifty-fourth Legislature, being the act creating West Central Texas Municipal Water District, by providing that the regulatory powers conferred by that section may be exercised to protect the District's reservoir from the inflow of salt and other chemicals, and that the District's regulatory powers may also be exercised as to any stream contributing water to the reservoir of the District and providing that the District shall have the power to employ and constitute its own peace officers who shall have

the same power to make arrests as is conferred upon any other duly constituted peace officer by said Section 23, and conferring on the District the rights, power and privileges conferred by general law on water control and improvement districts where not in conflict, and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Herring:

S. B. No. 379, A bill to be entitled "An Act to provide financial support from State Funds on a limited basis for the development of instructional television services toward the enhancement of classroom instruction in the public elementary and secondary school system of Texas; providing and prescribing for the reimbursement of a portion of the cost thereof by and pursuant to regulations of the Central Education Agency from the Foundation School Fund; making the Act effective for the school year beginning 1963-64 and thereafter; and declaring an emergency."

To the Committee on Finance.

By Senator Parkhouse:

S. B. No. 380, A bill to be entitled "An Act to amend Subsection (c) of Article 17.05, Chapter 17, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, relating to exemptions to the tax on stores and merchantile establishments, and declaring an emergency."

To the Committee on State Affairs.

By Senator Spears:

S. B. No. 381, A bill to be entitled "An Act to amend Chapter 49 (page 92), Acts of the 34th Legislature, Regular Session, 1915, compiled as Vernon's Civil Statutes, Article 2895, providing that in counties or independent school districts having attendance officers, peace officers of same shall have the powers of attendance officers without additional pay for same; and declaring an emergency."

To the Committee on Education.

By Senator Strong:

S. B. No. 382, A bill to be entitled "An Act concerning the payment of aid and compensation to persons who have paid fines or served sentences for crimes of which they are not guilty; and declaring an emergency."

To the Committee on State Affairs.

By Senator Herring:

S. B. No. 383, A bill to be entitled "An Act amending Section 8, House Bill No. 169, Chapter 427, Acts of the 55th Legislature, Regular Session, 1957, providing for contracts in the conduct of research; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Hall:

S. B. No. 384, A bill to be entitled "An Act amending Article 1627, Revised Civil Statutes of Texas, 1925, as amended, providing for the receiving and disbursing of county funds; providing that no funds shall be withdrawn from the County Treasury except by checks drawn by the County Treasurer; making other provisions relating thereto; prescribing the duties of the County Treasurer and other county officers; making the provisions of this Act applicable to all counties of this State; providing the severability clause; providing a repealing clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns:

By Senator Hall:

S. B. No. 385, A bill to be entitled: "An Act amending Article 1659 of the Revised Civil Statutes of Texas, 1925, so as to raise to Five Hundred (\$500) Dollars the amount of emergency purchases a county may make without advertising for competitive bidding; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Hall:

S. B. No. 386, A bill to be entitled "An Act amending certain parts of Acts 1933, 43rd Legislature, p. 843, ch. 241, by Acts 1941, 47th Legislature, p. 625, Ch. 377, by Acts 1943, 48th Legislature, p. 33, Ch. 31, and by Acts 1961, 57th Legislature, p. 264, ch. 139, Sec. 1, particularly subsection (a) thereof by providing for transfer to and vesting in the Department of Public Safety of the State of Texas all authority and power heretofore delegated and granted by said Acts to the Commissioner of Labor Statistics with respect to boxing contests and wrestling matches; providing for transfer of personnel, property, equipment, and records now a part of and duties,

functions and responsibilities of the Bureau of Labor Statistics to and placement under jurisdiction of the Department of Public Safety; further defining its power and duties; repealing all conflicting laws, but retaining in full force and effect existing provisions regulating boxing and wrestling; providing for transfer of funds credited to the Bureau of Labor Statistics to the Bureau of Labor Statistics to the credit of the Department of Public Safety; providing severability; and declaring an emergency."

To the Committee on Labor and Management Relations.

By Senator Hall:

S. B. No. 387, A bill to be entitled "An Act amending Title 8 of Article 199, paragraphs 15 and 59, of the Revised Civil Statutes of Texas, 1925, as amended by Senate Bill 88, Acts of the 48th Legislature, Regular Session, 1943, chapter 12, page 12, codified in Vernon's as Article 199-15, 59, Vernon's Civil Statutes, defining the 15th Judicial District, defining the 59th Judicial District, fixing the date and length of terms of such District Courts; making other provisions relating to their jurisdiction and organization; creating a new District Court in and for Grayson County and prescribing its terms and jurisdiction, providing for its organization and making other provisions relating thereto; providing a severability clause; and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

By Senator Watson:

S. B. No. 388, A bill to be entitled "An Act to amend Article 6.04 of Chapter 205, Acts of the Fifty-seventh Legislature, 1961, compiled as Article 1302-6.04 in Vernon's Revised Civil Statutes of Texas as a part of the Uniform Stock Transfer Act, to provide that whenever two or more registered owners of corporate shares have given the corporation notice of a written agreement between them providing for the disposition of all rights of a shareholder on his death, or for survivorship in the remaining owners, no liability will accrue to the corporation because of any claim adverse to the ownership shown in the agreement, unless the corporation has notice of such claims, and declaring an emergency."

To the Committee on Jurisprudence

By Senator Watson:

S. B. No. 389, A bill to be entitled "An Act setting standard fees for directors of river authorities created by the Legislature; providing for their expenses; providing for authorization and method of payment; repealing laws in conflict; and declaring an emergency."

To the Committee on State Affairs.

By Senator Harrington:

S. B. No. 390, A bill to be entitled "An Act amending Sections 3 and 13 of Chapter 29, Acts of the 34th Legislature, Regular Session, 1915, as amended, compiled as Articles 1970-113 and 1970-122, respectively, of Vernon's Texas Civil Statutes, so as to confer upon the judge of the County Court of Jefferson County at Law concurrent jurisdiction with the judge of the county court in juvenile, lunacy and probate matters and to provide that he may perform for the county judge any and all ministerial acts required by the laws of this state, and, while acting for the judge of the county court, exercise all powers and duties of the county judge except those connected with the transaction of business of the county as presiding officer of the commissioners court; and to allow the Commissioners Court of Jefferson County to set the salary of the judge of the County Court of Jefferson County at Law at not more than Sixteen Thousand Five Hundred Dollars (\$16,500); providing for severability; repealing all laws in conflict; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Kazen:

S. B. No. 391, A bill to be entitled "An Act amending Chapter 398, Acts of the 51st Legislature, Regular Session, 1949, to provide that the Jim Wells-Duval Counties Conservation and Reclamation District shall be hereafter known as Duval County Conservation and Reclamation District, and shall consist of that part of the State of Texas which is included within the boundary of Duval County, exclusive of that part of Duval County comprising the Freer Water Control and Improvement District, of Duval County; providing for the appointment of directors for said District by the Commissioners Court of Duval County and prescribing the terms for said directors; determining the benefits to the lands and other

property in the District; providing that the District shall bear the expense of relocation, raising or rerouting of any highway, railroad or utility lines or pipelines made necessary by its exercise of the power of eminent domain; providing that the Commissioners Court of Duval County is authorized to contribute to the organization expenses of the District; providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senators Schwartz and Herring:

S. B. No. 392, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to acquire by purchase or otherwise for the use and benefit of The University of Texas Medical Branch certain properties in the City of Galveston, Galveston County, Texas; providing the method of payment; provisions relating to the existing power of eminent domain of the Board of Regents to acquire land for the use of The University of Texas Medical Branch; exempting the Regents from depositing bond as provided in Section 2 of Article 3268, Revised Civil Statutes of Texas; and declaring an emergency."

To the Committee on State Affairs.

By Senator Schwartz:

S. B. No. 393, A bill to be entitled "An Act amending Chapter 30, Acts of the 57th Legislature, Third Called Session, 1962, changing the manner of appointment and terms of the members of the Old Galveston Commission; repealing the possible power of the Commission to charge non-residents admission fees to public places; changing the prerequisites for the election creating the Commission; repealing provisions for traffic control, prohibiting the issuance of bonds; amending the previous provisions for elections; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Patman:

S. B. No. 394, A bill to be entitled "An Act authorizing the Texas Game and Fish Commission to arrange for repairs to the Lavaca Bay Causeway Fishing Pier out of any funds that may be appropriated for that purpose; and declaring an emergency."

To the Committee on State Affairs.

By Senator Spears:

S. B. No. 395, A bill to be entitled "An Act establishing a Coordinating Council for Vocational-Technical Education; providing its membership: redesignating the Director of Vocational Education in the Central Education Agency as the Director of Vocational-Technical Education and providing he shall serve as chairman; defining 'vocational-technical education'; providing for the establishment of office and employment of necessary personnel; providing for regular and special meetings; setting duties and authority of the Council; redesignating the 'State Plan for Vocational Education' as the 'State Plan for Vocational-Technical Education'; authorizing public junior colleges to establish programs of vocational-technical education for full-time and extension students; and providing that such courses shall be considered on the same basis as academic courses in the calculation of state reimbursement provided they meet standards set by the Director of Vocational-Technical Education; providing that textbooks used in courses established and supported in accordance with the provisions of this Act shall be considered academic textbooks for purposes of financing; providing that moneys previously appropriated on a separate basis for vocational or vocational-technical education in public junior colleges shall be a part of the regular junior colleges appropriations and shall be apportioned on the same basis; providing for severability; repealing all laws and parts of laws in conflict; setting an effective date; and declaring an emergency."

To the Committee on State Affairs.

By Senator Word:

S. B. No. 396, A bill to be entitled "An Act amending Subsection 5 of Section 5 of Section 8-A of Acts 1957, 55th Leg., p. 434, ch. 209 sec. 1 (codified as Art. 5421c of V.T.C.S.), which is the latest amendment to Acts 1931, 42nd Leg., p. 452, ch. 271; as amended by Acts 1931, 42nd Leg., 2nd C. S., p. 64, ch. 40; as amended by Acts 1933, 43rd Leg., p. 192, ch. 88, as amended by Acts 1933, 43rd Leg., p. 309, ch. 12 sec. 1 and 1a; as amended by Acts 1939, 46th Leg., P. 465, Sec. 1 and 5, as amended by Acts 1941, 47th Leg., p. 596, ch. 365, Sec. 1; as amended by Acts 1943, 48th Leg., p. 453, ch. 301, sec. 1; as amended by Acts 1953,

53rd Leg., p. 77, ch. 57, sec. 1; by repealing the existing Subsection 5 of Section 8-A of Acts 1957, 55th Leg., p. 434, ch. 209, sec. 1 (codified as Art. 5421c, V.T.S.C.) and substituting an amendment therefor; prohibiting the School Land Board from leasing any river beds or channels with one permissible exception; providing that any valid provisions shall not affect any other provisions; and declaring an emergency."

To the Committee on State Affairs.

By Senator Richter:

S. B. No. 397, A bill to be entitled "An Act providing that any individual, association, corporation, or other organization which gives remuneration other than campaign expenditures previously reported in any form to any member of the Legislature shall file an annual statement of such payments or gifts with the Secretary of State; providing that the Secretary of State shall annually provide each member of the Legislature a list of all such payments or gifts made within the preceding year; providing that any Legislator who has knowledge of an omission in the list of any such gift or payment which he has received shall so notify the Secretary of State; providing for penalties and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Watson:

S. B. No. 398, A bill to be entitled "An Act amending Section 1, Chapter 213, Acts of the 54th Legislature, Regular Session, 1955, (compiled as Article 21.07-1, Vernon's Texas Insurance Code) so as to exclude certain agents for Legal Reserve Life Insurance Companies from the requirements and operation of such Act; repealing conflicting laws; and declaring an emergency."

To the Committee on Insurance.

By Senator Schwartz:

S. B. No. 399, A bill to be entitled "An Act amending S. B. 101, Acts of the 57th Legislature 1961, by providing a permissible salary increase for the Judge of said Court of Domestic Relations; providing free transfer of cases between the District Courts and the Court of Domestic Relations of Galveston County; amending the term of office of the Judge of said Court to correspond

with the Constitution of the State of Texas; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Moore:

S. B. No. 400, A bill to be entitled "An Act further prescribing the powers and duties of the Railroad Commission of Texas relating to the conservation of oil and gas resources of the State of Texas and the protection of correlative rights of owners in a common reservoir; providing that all persons, firms, corporations, and other parties receiving from or delivering to another, any consideration of whatever nature because of production of oil and/or gas which the person, firm or corporation delivering such consideration was not entitled to whether by virtue of miscalculation of acreage in a unit, a boundary dispute, lease dispute, production of oil and gas by means of deviated well holes, bores or pipes bottomed into or under the lands of the person, firm or corporation receiving such consideration or otherwise shall notify, within 30 days of such receipt or payment, the Railroad Commission of Texas in writing stating the details of such transaction, providing that upon receipt of such written notice the Railroad Commission of Texas shall determine the number of barrels of oil or cubic feet of gas for which compensation has been paid or received, determine the lease or leases from which the oil and gas for which compensation has been paid and that the person, firm or corporation so delivering was not entitled to the production, determine the surface location of the well or wells which was reported to have produced the oil or gas for which compensation has been paid or received, charge against the allowable of the lease or leases from which the oil or gas was actually produced the total number of barrels of oil or cubic feet of gas for which compensation was paid or received, suspending further production on said lease until such time as the assigned allowable of said lease equals the number of barrels of oil or cubic feet of gas charged to said lease or leases as the result of the compensation paid or received; providing a penalty for failing to make report within the time stated and means of enforcing said penalty; providing that this act shall be cumulative of all acts of the State

of Texas relative to oil and gas not inconsistent herewith; providing that this act shall not be construed to repeal the Common Purchaser Act or the Marginal Well Act; providing a savings clause; and declaring an emergency."

To the Committee on Oil and Gas.

By Senator Harrington:

S. J. R. No. 26, Proposing an amendment to Article XVI, section 62 of the Constitution of Texas by adding thereto a new subsection authorizing all political subdivisions of Jefferson County, Texas, to provide Retirement, Disability, and Death Benefits for all appointive officers and employees of all political subdivisions within Jefferson County; providing for the necessary election, form of ballot, proclamation and publication.

To the Committee on Constitutional Amendments.

By Senator Harrington:

S. J. R. No. 27, proposing an amendment to Article III of the Constitution of the State of Texas by adding thereto another section to be designated as Section 60a, to authorize all political subdivisions within Jefferson County, Texas, to provide Workman's Compensation for all employees of all political subdivisions within Jefferson County, Texas; providing for the submission of this amendment to the voters of this State, prescribing the form of ballot; providing for the proclamation and publication thereof.

To the Committee on Constitutional Amendments.

By Senator Parkhouse:

S. J. R. No. 28, Proposing an amendment to Sections 50 and 51 of Article XVI of the Constitution of the State of Texas so as to include within the scope of homesteads and homestead exemptions that real property of an unmarried adult, male or female, which is used for the purposes for which the existing homestead laws apply; prescribing the form of ballot and providing for the necessary proclamation and publication.

To the Committee on Constitutional Amendments.

Presentation of Guest

Senator Calhoun by unanimous con-

sent presented Mr. Herman Kidd of Tyler to the Members of the Senate.

Co-Author of Senate Bill 372

On motion of Senator Parkhouse and by unanimous consent Senator Cole will be shown as co-author of S. B. No. 372.

Co-Author of Senate Bill 15

On motion of Senator Reagan and by unanimous consent Senator Cole will be shown as co-author of S. B. No. 15.

Senate Bill 6 With House Amendments

Senator Reagan called S. B. No. 6 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Reagan moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Senate Resolution 224

Senator Moore offered the following resolution:

Whereas, Inadvertently, Senate Bill 61 as finally passed by the Senate contains a provision that before citizens over sixty-five years of age who reside in rural areas can vote, they must obtain an exemption certificate at least four days before the election, if they have changed residence since the last election; and

Whereas, It is the desire of the Senate to correct this provision; Now, therefore, be it

Resolved by the Senate of the State of Texas, that the Enrolling and Engraving Clerk be instructed to make the following correction in Senate Bill 61 before the same is transmitted to the House: In Section 27, change the comma to a period in the middle of line 8, page 67, and striking out the balance of that sentence, and adding the following sentence before line 9: "But no such person shall be permitted to vote in a city of ten thousand (10,000) inhabitants or more unless

he complies with the following procedure."

The resolution was read and was adopted.

Committee To Escort Governor John Connally to Joint Session

The President announced the appointment of the following Committee pursuant to the provisions of H. C. R. No. 35 to escort Governor John Connally to the Joint Session.

Senators Moffett, Hazlewood, Dies, Hardeman and Aikin.

Motion to Recess

On motion of Senator Kazen the Senate agreed to recess until 2:00 o'clock p.m. today at the conclusion of the Joint Session to hear Governor John Connally.

Joint Session

(To hear address of Governor John Connally)

The President announced at 11:55 o'clock a.m. the time had arrived to hear an address by the Honorable John Connally, pursuant to the provisions of H. C. R. No. 35.

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 12:00 o'clock m.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

On invitation of the Speaker of the House, the President occupied a seat on the Speaker's Platform.

The Governor's party was escorted to the Speaker's rostrum by Senators Moffett, Hardeman, Aikin, Hazlewood and Dies, on the part of the Senate, and Representatives Barnes, Coughran, Crews, Fondren, Mann, Satterwhite, Shannon, Schiller, and Traeger, on the part of the House.

The President called the Senate to order, and announced a quorum of the Senate present.

Honorable Byron Tunnell, Speaker of the House of Representatives, called the House to order and an-

nounced a quorum of the House present.

The Speaker announced the purpose of the Joint Session and presented the Governor of Texas, the Honorable John Connally to the Joint Session.

Governor John Connally addressed the Joint Session as follows:

A. Opening remarks and Introduction.

When we met here in this hall on January 16 to begin our work together for the people of Texas, I outlined a basic Program of Progress which I suggested as our plan. And I am particularly gratified over the enthusiastic endorsement given to so much of this program.

While I spoke in specific detail about various aspects of our Program for Progress at that time, I deferred any recommendations of a budgetary nature. I did so because I very keenly feel my responsibility in this area as expressly laid down by the Constitution. I told you instead that I would return within a few weeks, after I and my staff had an opportunity to study and evaluate the fiscal affairs of the State, and that I would then submit what I would hope would be a meaningful budget that I could endorse to you from first hand knowledge.

You members of the House and Senate very graciously cooperated in that request . . . in part by appropriating needed funds to permit me to do justice to the job. And today, despite limitations of time . . . and the handicap of one personal excursion I hadn't planned on . . . I am pleased to give you my proposed budget for the State of Texas for the biennium of 1964-1965.

B. Philosophy of Budget.

Before we talk dollars . . . or millions of dollars, let me touch briefly on the basic philosophy of the Executive Budget . . . the guidelines and principles we have followed in forming our recommendations.

We have developed a budget based on three primary policy convictions:

(1) We must maintain and improve the vital services necessary to the well being of our people.

This administration considers it a responsibility and an obligation that this state provide for the humane needs of our elderly, our sick, and our dependent. Therefore, you will find

that in dealing with the human needs of our people, we have chosen compassion over merciless economy.

(2) We must place greater emphasis on sensible investment programs offering benefits in terms of long-range economy, and more productive, self-supporting citizens.

In my judgment, this approach offers us dramatic possibilities for progress. You will find, therefore, that generally, we have recommended more investment in brainpower, less money in bricks—more attention to treating the cause of our problems—less to the effect. I believe in investing in people—to help those people help themselves. In the field of education, particularly, you will find that I believe in putting more dollars to work in educating the young of our state, so that they in turn may enjoy a better way of life in today's space age, and make their contribution to a greater state.

(3) We must relentlessly seek actions and programs to achieve efficiency and economy in government.

It is our duty, as elected representatives of the people of Texas, to do all within our power to gain maximum benefit from every tax dollar expended and seek out and do away with waste wherever it is found. You will find that this administration has taken specific steps in this budget recommendations to achieve immediate savings where such steps did not interfere with the services of this state. More importantly, I am recommending funds for a vital program of long range economy in government.

C. Recommendation Highlights.

And now, if I may, let me review some highlights of the specific recommendations I am laying before you here today for your consideration and action.

(1) First, in the field of vital services:

(a) I am recommending improved care for our elderly, our sick, and our dependent in the state's hospitals and special schools. Specifically, this includes:

—Additional attendant and nursing personnel in our mental institutions.

—1200 additional new beds for our mentally retarded.

—Replacement of the shameful dilapidated Confederate Home housing aged, helpless semi-invalids living in fear from day to day in a fire trap.

(b) I recommend appropriation of

\$2,841,000 for completion of the Screwworm Eradication Program, an urgent matter to all Texans.

(c) I recommend additional funds of \$283,000 for strengthening of the resources in the Attorney General's office, to make sure that the best interests of the people of Texas are protected in the courts. Funds appropriated here will help prosecute vigorously cases resulting from the slant-hole drilling scandal.

(d) I propose appropriation of \$5,246,000 to the Railroad Commission including provision for 61 investigators and \$100,000 for investigative surveys on oil and gas wells to enable this body to fully discharge its responsibilities.

Investment Programs.

(2) Next, the promising investment programs for state funds. This is the area where our dollars and our efforts will pay us the greatest dividends.

(a) First, and in my judgment, the most important single investment we can make is in the field of education. I have said repeatedly that the future of Texas is heavily dependent on the future of our educational system, and this I believe. I believe it so strongly that 52c out of every dollar I am recommending to you in the General Revenue Fund appropriation is budgeted for education.

I propose a number of specific investments which I am convinced will pay us great dividends. These include:

—An increase of almost \$40 million for teaching salaries in 20 colleges and universities. \$26 million is for anticipated enrollment increases, and almost \$14 million is for improved salary levels of teachers.

—Provisions of more than \$1 million for graduate fellowships and scholarships to help retain our outstanding graduates in the State.

—Appropriation of \$5,200,000 in additional funds for research, including expenditures to attract, encourage and retain outstanding faculty scholars.

—An increase of \$4,200,000 for libraries, including provision for 625,000 additional volumes in 20 colleges.

Time does not permit me to treat fully all of the important aspects of education. In summarizing this section, let me underscore my convictions only by saying that if we do nothing more during the 58th Legislature, let

us commit Texas to excellence in education!

(b) Another vitally important area for investment lies in revitalization of our Tourism. No other industry offers such available and rapid economic income to Texas. I recommend to you appropriation of \$500,000 to activate a vigorous program of advertising and promotion of our State to tourists, through the Office of Tourist Development.

(c) We all recognize the urgency of expansion of industrialization throughout Texas, if we are to provide the job opportunity needed by our increased population. As a positive step in that direction, I am recommending appropriation of \$400,000 to carry out a continuing program the next two years for the new Office of Economic Development.

(d) No investment offers more potential return than medical research aimed at more effective treatment and aid for our mentally ill. I therefore take pride in fully endorsing the appropriation of \$1,650,000 for psychiatric research and training. We must learn more of the causes of mental illness, to correct the problem at its source.

(e) Along this same line of directing our efforts toward promising innovations in the treatment of our sick, I am particularly pleased to recommend funds for expansion of a program providing for a shift in treatment of psychiatric cases from large state mental institutions to intensive care in local or nearby facilities under special contract arrangement. Experience of a pilot contract experiment in El Paso has indicated the average stay of these patients was nine days, compared to months usually spent in large state hospitals. These are the kinds of programs we must develop and encourage for dealing more effectively with our problems.

(f) Another investment to which I am pleased to give my full endorsement is the expanded juvenile parole program, designed to help guide wayward youth toward a life as responsible, productive citizens. Operating with five full-time juvenile parole officers in five major cities, the Texas Youth Council reduced broken paroles from 42% to 30%. I am recommending expansion to provide for 15 parole officers in 1964, and 30 in 1965. I can think of no better investment than

funds aimed at restoring these juveniles to society.

(g) Our state government, and the services it provides, can be no better than the people who do the job. With the aim of increased efficiency resulting from reduced employee turnover, and a higher level of service performance, I have recommended limited improvements in state salaries, including the equalization benefits of job classification.

(h) In the realization that state personnel, no matter how dedicated, cannot do a job without necessary facilities, I recommend to the Legislature appropriation of funds to provide for the construction and furnishing of an additional state office building.

3. Efficiency and Economy in Government.

As I said earlier, we have a heavy responsibility to exercise economy and efficiency in the conduct of the people's business. Toward this end, I am pleased to lay before you today an Executive Budget accompanied by the following specific recommendations:

(a) Abolition of the Texas Aeronautics Commission.

(b) Abolition of the post of County School Superintendent, as a position paid for by the state. And let me pause here to extend my congratulations to these two bodies which already have acted with dispatch to provide legislation to enable this savings. It is all too seldom these days that the people see such determined action to eliminate waste.

(c) Consolidation of the Fish and Game Commission with the Parks Board, to result in increased efficiency and economy.

(d) Prudent reductions in capital expenditures and maintenance funds. With a determination for "making do with what we have," we have been able to exercise substantial saving in physical plant expenditures without affecting levels of government services. For example, we have recommended delayed purchases of equipment such as automobiles and deferred non-essential repairs and construction in all areas of state operations.

(e) With the aim of achieving far more meaningful economies in the years ahead, I recommend funds for creation of the Commission for Economy and Efficiency in Government. Study should be given promptly to the possibility of combining, consoli-

dating or eliminating some of the 167 State agencies.

4. Repair and Maintenance of the San Jacinto Monument.

I want to talk now for just a moment about one other need of our State. We Texans are a proud people—proud of the heritage won that glorious day in April of 1836 on the battlegrounds of San Jacinto. And yet we cannot be proud of the shameful condition of the dramatic spire that stands majestically above those hallowed grounds. And so, speaking for all who share the pride of our State, I recommend to you the appropriation of funds necessary to restore and maintain the San Jacinto Monument in all its glory.

D. The 1964-65 Administration Budget.

1. Total all-funds expenditures and limitations.

Turning our attention now to the budget, let's talk first in terms of the so-called over-all State budget as it is popularly known. The document that I will place before you will result in total expenditures by the government—from all sources, of \$3,119,444,208 for the next biennium. But as I discussed in a session many of you sat in on yesterday with editors and publishers from across the State, that figure really doesn't mean much in our deliberations here.

—For one thing, it includes almost \$700 million in federal aid funds. That means that almost 25¢ out of every dollar this State spends the next two years comes from the federal government in one way or another—and that doesn't include millions more in grants to higher educational institutions.

—More importantly, of that total of \$3,119 million, more than 85¢ of every dollar is committed, and is beyond our control. I think it is vitally important that the people of Texas understand that neither you members of the Legislature nor the Governor have significant control over how their tax money will be spent, other than 15¢ out of every dollar.

This situation is caused by a fantastic system of "Untouchable Funds," shielded by constitutional restriction or by existing laws, literally tying the hands of those of us who are charged with handling the State's finances.

And let me say this further: Unless the people of Texas recognize the

consequences of this mushrooming financial monster we have created—and give our elected officials meaningful control, we are facing a tidal wave of taxation ahead.

2. Recommended General Revenue Appropriations.

Being realistic then, let's talk now about that small slice of the pie that we do have available at our discretion—the 15¢ out of every dollar—the monies which you will appropriate from the General Revenue Fund.

I am recommending to you General Revenue Fund expenditures of \$479,274,602 for the next biennium.

Almost 52% of this total, I am asking for public and higher education. Another 24% goes for our hospitals and special schools. More than 75¢ then of every dollar I am recommending for appropriation of the General Revenue Fund goes for the education of our young, or the care and treatment of our sick, aged and dependent.

The General Revenue Budget I am submitting, reflects my full and personal attention and consideration to the multitude of needs in our State, weighted against the common sense balance of sound business management and economy.

3. Recommended Supplementary Revenue Program.

I said to you here in January that I would accompany any recommendations for increased expenditures with suggested avenues for revenues. The budget presented you today will necessitate two actions by this Legislature:

(a) Adoption of recommendations of the Commission on State and Local Tax Policy which provide for the removal of the inequities in the present sales tax, anticipated to produce approximately \$23.8 million in the next biennium.

(b) Extension of the present corporate franchise tax, estimated to provide approximately \$22 million the next two years. Total General Revenue Fund income for the next biennium, including these resources, is estimated to be \$483,793,396, which will provide the State a balanced budget, and an anticipated surplus of approximately \$4,518,794.

D. Summary.

All across the vast expanses of this State last year, I shook the hands of confident Texans who said they were ready for a new era of progress. They were people from all walks of life

who are proud of our past, but eager to strive for a greater future. In January, I outlined my detailed thoughts on how we can best work toward that greater future. I said then that I felt Texas is on the threshold of a glorious chapter in its history. I am more confident of it today than ever. The progress made by this body in this session is historic in itself—and typical of the new spirit rising throughout Texas.

Now I have presented my specific budget recommendations implementing the programs I suggested. I commend them for your thorough study and endorsement. I am sure that in these recommendations—as in some of my others, that we shall not always agree. But I am sure also that we shall have the wisdom, patience and humility to resolve any differences we may have. In so doing, we do honor to the sacred trust that is ours—and measure up to our responsibilities in striving for a greater destiny for all the people of Texas.

Thank you.

Recess

At the conclusion of the Joint Session the President announced at 12:23 o'clock p.m. that the Senate would stand recessed until 2:00 o'clock p.m. today on motion previously adopted by the Senate.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

Senate Concurrent Resolution 33

Senator Hazlewood offered the following resolution:

S. C. R. No. 33, Authorizing the Texas Department of Public Safety to erect a combination district and communication facility in Amarillo.

Whereas, The Texas Department of Public Safety is authorized by existing appropriations to expand its physical plant and communications facilities; and

Whereas, A recent fire has rendered unuseful an old building used by the Department as its District Office on land it now holds in Amarillo, Texas; and

Whereas, Said Department desires to erect a combination district office and communications facility to replace

the old building which could not be economically repaired; and

Whereas, There exists sufficient appropriated funds in the biennial appropriation bill for the Department of Public Safety, as provided in Chapter 62, Acts of the 57th Legislature, First Called Session, to permit the erection of a building of approximately 3,600 square feet for such purposes; and

Whereas, Said Department desires the express permission of the Legislature to construct said facility; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the Texas Department of Public Safety is authorized by Chapter 62, Acts of the 57th Legislature, First Called Session, to expend any monies appropriated in the Department of Public Safety appropriation in Senate Bill No. 1, Acts of the 57th Legislature, First Called Session, for the construction of a combination district headquarters building and communications facility on said property, and that permission to do so is hereby expressly authorized and affirmed.

The resolution was read.

On motion of Senator Hazlewood and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 34

Senator Parkhouse offered the following resolution:

S. C. R. No. 34, Authorizing 49th Armored Division to erect memorial on Capitol Grounds, the location to be selected by the Board of Control.

Whereas, The 49th Armored Division, Texas National Guard was the first Armored Division organized in the National Guard of Texas and has served the State of Texas since its organization in 1946 and in the service of the Nation during the Berlin crisis 1961-1962; and

Whereas, The personnel and veterans of the 49th Armored Division wish to erect on the Capitol grounds a monument to the Lone Star Division commemorating its service and the service of those who have paid the Supreme Sacrifice to keep our Country free; and

Whereas, It is the sense of this Legislature that the citizens of Texas would be proud to pay tribute to this

Division in this manner; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the 49th Armored Division be and is hereby authorized to erect on the Capitol grounds in Austin, a suitable monument as a memorial, the monument to be erected under the supervision of and at a location selected by the State Board of Control, without any cost to the State of Texas.

PARKHOUSE
HERRING

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the resolution was considered immediately and was adopted.

Conference Committee on Senate Bill 6

The President announced the appointment of the following Conference Committee on the part of the Senate on S. B. No. 6:

Senators Reagan, Herring, Krueger, Bates and Parkhouse.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senators Kennard and Spears:

S. B. No. 401, A bill to be entitled "An Act authorizing the State of Texas to enter into the Interstate Compact on Mental Health with other states; and declaring an emergency." To the Committee on Public Health.

(Senator Krueger in the Chair.)

By Senators Kennard and Spears:

S. B. No. 402, A bill to be entitled "An Act establishing a state-wide program of basic and fundamental education for educationally deficient adults eighteen (18) years of age or older; providing that such program shall be developed and administered by the Texas Central Education Agency through the public schools and public junior colleges of the state; making an appropriation for implementation of the program in the biennium beginning September 1, 1963; and declaring an emergency."

To the Committee on Finance.

By Senators Kennard and Spears:

S. B. No. 403, A bill to be entitled "An Act providing for establishment of a comprehensive experimental program for educationally deficient adults in Texas eighteen (18) years of age or older at some location in the state having a high percentage of such educationally deficient adults in its population; providing that the Central Education Agency shall select a site for the program in cooperation with community and school officials in some appropriate locality and formulate and supervise the program; providing for appointment of a State Advisory Committee to provide consultation, evaluation and study of the program; making an appropriation for implementation of the program in the biennium beginning September 1, 1963; and declaring an emergency."

To the Committee on Finance.

By Senators Kennard and Spears:

S. B. No. 404, A bill to be entitled "An Act providing for establishment of a comprehensive experimental program of education for migrant agricultural workers eighteen (18) years of age or older at some location in the state having a high concentration of such migrant agricultural workers as permanent residents in its population; providing that the Texas Central Education Agency shall select a site in cooperation with school and community officials and formulate and supervise the program; providing for a State Advisory Committee to provide consultation, evaluation and study; making an appropriation for implementation of the experimental program in the biennium beginning September 1, 1963; and declaring an emergency."

To the Committee on Finance.

By Senators Kennard and Spears:

S. B. No. 405, A bill to be entitled "An Act providing for establishment of educational programs for migrant agricultural workers and other educationally deficient adults eighteen (18) years of age or older in certain counties; providing for formulation and supervision of the program by the Texas Central Education Agency; making an appropriation for implementation of the program in the biennium beginning September 1, 1963; and declaring an emergency."

To the Committee on Finance.

By Senators Kennard and Spears:

S. B. No. 406, A bill to be entitled "An Act providing for the establishment of educational programs for migrant agricultural workers eighteen (18) years of age or older in the counties of their residence; providing for formulation and supervision of the program by the Texas Central Education Agency; making an appropriation for implementation of the program in the biennium beginning September 1, 1963; and declaring an emergency."

To the Committee on Finance.

By Senators Kennard and Spears:

S. B. No. 407, A bill to be entitled "An Act providing for the establishment of educational programs for migrant agricultural workers eighteen (18) years of age or older in areas and regions of the state having highest concentrations of such migrant agricultural workers as permanent residents; providing for formulation and supervision of the program by the Texas Central Education Agency; making an appropriation for implementation of the program in the biennium beginning September 1, 1963; and declaring an emergency."

To the Committee on Finance.

By Senators Kennard and Spears:

S. B. No. 408, A bill to be entitled "An Act amending Articles 1577 and 1578a, and adding Article 1578b, Penal Code of Texas, 1925, concerning employment of children, repealing Article 5181, Revised Civil Statutes of Texas, 1925, and all other laws and parts of laws in conflict herewith; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Kennard and Spears:

S. B. No. 409, A bill to be entitled "An Act to amend Article 2892, Revised Civil Statutes 1925 as amended by Senate Bill 49, Chapter 160, Acts 44th Legislature, Regular Session, 1935; to amend Article 297, Penal Code of Texas 1925, as last amended by House Bill 652, Acts 46th Legislature, Regular Session, 1939, page 227; to repeal Senate Bill 278, Chapter 88, Acts 49th Legislature, Regular Session 1945; to repeal House Bill 1054, Chapter 221, Acts 42nd Legislature, Regular Session, Special Laws, page 439—all of which relate to compulsory school age and attendance; providing this Act shall not be con-

strued as amending the exemptions appearing in Article 2893, Revised Civil Statutes of Texas 1925, as last amended; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Kennard and Spears:

S. B. No. 410, A bill to be entitled "An Act providing for the licensing and regulation of crewleaders of migrant agricultural laborers; providing a savings clause; repealing all laws and parts of laws in conflict; and declaring an emergency."

To the Committee on Finance.

By Senators Kennard and Spears:

S. B. No. 411, A bill to be entitled "An Act authorizing the Texas State Department of Health to adopt rules and regulations concerning camping or housing facilities for migrant agricultural labor; providing for issuance of permits for construction and operation of such facilities; providing penalties for violation; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Kennard:

S. B. No. 412, A bill to be entitled "An Act amending Chapter 6, Acts of the 57th Legislature, Third Called Session, 1962, by adding a new Section 9-a, to provide that the Judge of the Court of Domestic Relations of Tarrant County may sit as the presiding judge in the District Courts of Tarrant County, and hear and determine any proceedings over which such Court of Domestic Relations has jurisdiction concurrent with said District Courts; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Kennard:

S. B. No. 413, A bill to be entitled "An Act relating to and authorizing a minimum and maximum salary for the official shorthand reporters of the 17th, 48th, 67th, 96th, and 153rd Judicial Districts and of Criminal District Court and Criminal District Court No. 2, Court of Domestic Relations, County Court at Law, County Criminal Court, County Criminal Court No. 1 and Courts of Record hereafter to be created, in Tarrant County; providing the time, method and manner of payment; repealing all laws or parts of laws in conflict, providing a saving clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Kennard:

S. B. No. 414, A bill to be entitled "An Act amending Article 8.03 of the Texas Business Corporation Act, as amended, and Article 21.43 of the Insurance Code, as amended, so as to provide that foreign corporations and foreign insurance corporations whose names are the same, or deceptively similar to, certain other corporations and insurance corporations shall be issued certificates of authorization to do business in Texas provided different names are used and assumed name certificates are filed in a certain manner; providing a severability clause; repealing conflicting laws; and declaring an emergency."

To the Committee on Insurance.

By Senator Kennard:

S. B. No. 415, A bill to be entitled "An Act amending Article 6.10 of Chapter 6 of Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, to provide that the Tax Assessor and Collector shall forward ninety-five percent (95%) of money collected for Motor Vehicle Retail Sales and Use Tax to the Comptroller of Public Accounts, and retain five percent (5%) of said taxes as fees of office, or to be paid into the officers' salary fund of the county as provided by General Law; enacting other provisions relating to the subject; and declaring an emergency."

To the Committee on State Affairs.

By Senator Reagan:

S. B. No. 416, A bill to be entitled "An Act authorizing the Commissioners' Court of any County to refund outstanding causeway revenue bonds with bonds or proceeds of bonds issued by any said Commissioners' Court and to levy and collect an ad valorem tax to pay the interest on and principal of such refunding bonds; subjecting the aggregate principal amount of such bonds to the limitations provided by Article 8, Section 9 of the Texas Constitution, providing for an election; granting full discretion to such Commissioners' Court in fixing the details of such bonds; providing for continuation of the tax in the event the causeway becomes a part of the State Highway System; providing for refunding of bonds issued pursuant to this Act; limiting the maximum maturity date of such bonds and the interest payable on such bonds; providing such bonds

shall be negotiable instruments; providing for the use of monies remaining in funds created by orders or resolutions authorizing the bonds to be refunded; providing bonds authorized hereunder shall be legal and authorized instruments for types of institutions named; providing that such bonds shall be eligible to secure public funds; providing for the approval of the bonds by the Attorney General; providing for severability and declaring an emergency."

To the Committee on State Affairs.

By Senator Reagan:

S. B. No. 417, A bill to be entitled "An Act amending Section 10 of Article 3.01 of the Insurance Code of Texas, Acts of 1951, Fifty-second Legislature, sec. 1, ch. 491, p. 868, as amended by H. B. 491, Acts of 1961, Fifty-seventh Legislature, sec. 1, ch. 470, p. 1056, to redefine the term 'net assets' by including certain equipment and labor-saving machines and devices as part of the 'net assets' of a life insurance company; to delete the minimum cost requirement for inclusion of electronic machines and systems within the term 'net assets' of a life insurance company; providing for severability; and declaring an emergency."

To the Committee on Insurance.

By Senator Watson:

S. B. No. 418, A bill to be entitled "An Act making an appropriation to the Vocational Rehabilitation Division of the Texas Education Agency to provide funds for the rehabilitation of disabled Texas Citizens for the biennium 1963-64 and 1964-65; providing for repealing and severability clauses; declaring Legislative intent; and declaring an emergency."

To the Committee on Finance.

Presentation of Guest

Senator Rogers by unanimous consent presented as a guest of the Senate today, the Honorable Marshall Formby, former member of the Senate and requested that he be granted privileges of the floor for today.

Senate Concurrent Resolution 35

Senator Owen offered the following resolution:

S. C. R. No. 85, Granting W. J.

Holladay permission to sue the State of Texas.

Whereas, W. J. Holladay of Fort Stockton, Texas alleges that on February 2, 1962 he was driving toward Fort Stockton and was about three miles west of Fort Stockton and was on a road which was being worked on by the Texas Highway Department. They were filling cracks in the paving with asphalt and then placing a fine dust over the asphalt. This dust was very fine and was easily stirred into a cloud. Mr. Holladay was following a pickup truck and when this truck in front of him hit the dust, it threw up a cloud causing him to lose his vision. A Highway Department truck was in the cloud of dust parked on his side of the road with no flashing lights and no flagman, nor was there any sign or warning of any character prior to the place where the dust was to warn him that Highway Department equipment might be parked on his side of the road and

Whereas, W. J. Holladay alleges that as a result of this, he collided with the truck, fracturing his left arm and lacerating it to the point where it was almost severed from his body, as well as receiving other painful personal injuries; and

Whereas, W. J. Holladay desires to sue the State of Texas to determine if the State of Texas is liable for damages and if so, to determine the amount of such damage; now, therefore, be it

Resolved, By the Senate, the House of Representatives of the State of Texas concurring, That W. J. Holladay be, and he is hereby given and granted permission to sue the State of Texas in any Court of competent jurisdiction to determine whether or not the State of Texas is liable as a result of the above alleged act, and further to determine what damage, if any, that W. J. Holladay is entitled to recover from the State of Texas by reason of any wrongful act committed by the State of Texas or any of its agencies or agents in connection with the above described act; and be it further

Resolved, That the service of citation and any other legal process shall be served upon both the Chairman of the Texas State Highway Commission and Attorney General of the State of Texas. Service of process upon these two officers shall have the same force and effect as the service of process

upon a defendant in any other civil case, according to the Rules of Civil Procedure promulgated and adopted by the Supreme Court of Texas; and be it further

Resolved, That any party to the suit shall have the right of appeal as is provided for in other civil cases; and be it further

Resolved, That the sole purpose of this resolution is to grant permission to W. J. Holladay to bring suit against the State of Texas. No admission of liability or any fact is made in any way by the passage of this Resolution; but on the contrary, it is specifically provided that the facts upon which W. J. Holladay seeks to recover must be proved in court as in other civil cases; and be it further

Resolved, That any and all defenses which the State of Texas may have shall be pleaded by the State, and none of the defenses which the State of Texas may have are in any way waived by the passage of this Resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 36

Senator Watson offered the following resolution:

S. C. R. No. 36, Granting the Amicable Life Insurance Company permission to sue the State of Texas.

Whereas, The Amicable Life Insurance Company, a Texas corporation, is the holder of a note in the amount of Two Hundred Ten Thousand Dollars (\$210,000) made by the Weber Building, Inc., also a Texas corporation; and

Whereas, The Weber Building, Inc. executed in 1955 a deed of trust, which was duly recorded, wherein a lien was created against certain realty and improvements situated in Nueces County, Texas, securing the note described above; and

Whereas, The State of Texas, acting through the Comptroller of Public Accounts, gave notice in 1958 of a lien against property of the Weber Building, Inc. for certain franchise taxes maturing and penalties accruing during and after 1958; and

Whereas, The State of Texas asserts that its lien, under Articles 1.07 and 12.13, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as added, is prior and superior

to that securing the note held by Amicable Life Insurance Company; and

Whereas, Amicable Life Insurance Company alleges that the state's assertion of superiority for its lien is in error, particularly in light of recent statutory amendments, and alleges that the state's assertion of superiority for its lien is unreasonably hindering and obstructing a desired trustee's sale of the property in question; and

Whereas, Amicable Life Insurance Company alleges that it has no adequate remedy other than a suit against the State of Texas for a judicial determination of its rights in this matter; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That Amicable Life Insurance Company be authorized to file a suit against the State of Texas and the Comptroller of Public Accounts in any court of competent jurisdiction to determine its rights with regard to the two competing liens described above; and be it further

Resolved, That the sole purpose of this resolution is to grant permission to Amicable Life Insurance Company to bring suit against the State of Texas. No admission of any matter of fact or of law is made by the passage of this resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

Welcome Resolutions

S. R. No. 218—By Senator Hazlewood: Extending welcome to Miss Linda Huyck, et al. of Canyon.

S. R. No. 219—By Senator Kazen: Extending welcome to students, teachers and sponsor of Orange Grove High School.

S. R. No. 222—By Senator Aikin: Extending welcome to the Honorable A. N. Quarles of Clarksville.

S. R. No. 223—By Senator Cole: Extending welcome to students and teachers of the Second Baptist Church of Houston.

S. R. No. 225—By Senator Moffett: Extending welcome to students and teachers of McAdoo High School.

Adjournment

On motion of Senator Moffett the Senate at 2:23 o'clock p.m. adjourned until 11:00 o'clock on Monday, March 11, 1963.

In Memory of
Mrs. Adelia Cessna

Senator Krueger offered the following resolution:

(Senate Resolution 221)

Whereas, On the 4th day of February, 1963, God in His Infinite Wisdom, called Mrs. Adelia Cessna, to be with Him; and

Whereas, Her death has brought to a close a long and full life devoted to her family, community, and those in need; and

Whereas, Mrs. Cessna was born on November 6, 1879, in Hardin, Liberty County, Texas, the daughter of William Blackburn and Joanna Green, living all her life on the ranch where she was born; and

Whereas, She was married to Edward T. Cessna, who has been deceased for nine years; and

Whereas, Until her death, she was the oldest living descendant of A. B. Hardin, signer of the Declaration of Independence of Texas; and

Whereas, Mrs. Cessna was very interested in school activities, having helped organize the first Parent-Teachers Association in her area and served as its first president; and

Whereas, Mrs. Cessna was a member of the Daughters of the Republic of Texas; and

Whereas, All of her life, she earned the love and respect of the people who were in contact with her, liberal with her love and care of the poor, generous with her financial support of the churches in her community; and

Whereas, She is survived by four sons, Guy Cessna, Edward Cessna, William Cessna and Raymond Cessna of Hardin, Texas, and four daughters, Mrs. Ruth Young of Hardin, Texas, Mrs. Bertha Walker of Houston, Texas, Mrs. Bea Larke of Dayton, Texas and Mrs. Lois Naiser of East Bernard, Texas; also, thirteen grandchildren and eight great-grandchildren; now, therefore, be it

Resolved by the Senate of the State of Texas, That copies of this Resolution be sent to the members of her family, that a page in the Senate Journal be set aside in her memory; and that when the Senate adjourns today, it do so in honor of Mrs. Adelia Cessna.

KRUEGER
COLSON
COLE

The resolution was read and was adopted by a rising vote of the Senate.